

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are presently pending in this application, Claims 15-23 having been canceled, and Claims 1, 5, 7 and 11 having been amended by the present amendment.

In the outstanding Office Action, Claim 11 was objected to because of informality; Claims 1-10 and 13-14 were rejected under 35 U.S.C. §102(e) as being anticipated by Toshimitsu et al. (U.S. Patent 6,558,875); Claim 11 was rejected under 35 U.S.C. §103(a) as being obvious over Toshimitsu et al. in view of Oohashi et al. (U.S. Patent 6,509,132); and Claim 12 was rejected under 35 U.S.C. §103(a) as being obvious over Toshimitsu et al. in view of Takasaki et al. (U.S. Patent 6,232,038).

Applicant respectfully requests that non-elected Claims 15-23 be canceled without prejudice. Accordingly, the title of the present application has been amended.

Claims 1, 5 and 7 have been amended solely for clarification. These claim amendments are believed to be merely cosmetic and thus are not believed to narrow the scopes of the claims. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

With regard to the objection to Claim 11, Claim 11 has been amended to correct the noted informality.

In response to the 35 U.S.C. §102(e) rejection over Toshimitsu et al., Applicant respectfully submits that Applicant, Hideaki Okamoto, is the sole inventor of the subject matter claimed in the present application, and the subject matter claimed in the present application is disclosed but not claimed in Toshimitsu et al. as evidenced by the declaration

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under 37 C.F.R. §1.132 submitted herewith. Therefore, withdrawal of the outstanding §102(e) rejection is respectfully requested.

With regard to the 35 U.S.C. §103 rejections based on Toshimitsu et al., Applicant respectfully submits that the present application, filed March 18, 2002, and given Serial No 10/098,598, and Toshimitsu et al., patented May 6, 2003, as U.S. Patent 6,558,875, were at the time of the invention of the present Application was made, subject to an obligation of assignment to Mitsubishi Chemical Corporation. Therefore, as MPEP 2136.02 states that "[f]or applications filed on or after November 29, 1999, if the applicant provides evidence that the application and prior art reference were ... subject to an obligation of assignment to the same person, at the time of the invention was made, any rejections under 35 U.S.C. 102(e)/103 based on such a commonly owned reference should not be made or maintained," it is respectfully requested that the outstanding rejections based on Toshimitsu et al. be withdrawn.

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In view of the amendments and discussions presented above, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIDEAKI OKAMOTO : EXAMINER: GILLIAM, B.
SERIAL NO: 10/098,598 :
FILED: MARCH 18, 2002 : GROUP ART UNIT: 1752
FOR: METHOD FOR FORMING IMAGE :
AND APPARATUS FOR FORMING
IMAGE

DECLARATION UNDER 37 C.F.R. §1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The undersigned, Hideaki Okamoto, herein declares:

1. That I am the sole inventor of the subject matter claimed in the present application.
2. That the subject matter claimed in the present application is disclosed but not claimed in U.S. Patent 6,558,875 which is named jointly with Eriko Toshimitsu.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Hideaki Okamoto

Typed Name



Signature

March 5, 2004

Date